



U.S. Department of Justice

*United States Attorney
Southern District of New York*

MEMO ENDORSED

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 24, 2021

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/24/2021

BY ECF AND EMAIL

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
New York, New York 10007

Re: *United States v. Isaiah Moss*, 19 Cr. 166 (VEC)

Dear Judge Caproni:

The Government writes to respectfully withdraw its motion for forfeiture of the defendant's bail bond, *see* Doc. No. 303, for the reasons set forth below.

On August 12, 2021, the Government moved to forfeit the defendant's bail bond because the defendant absconded from pretrial supervision on July 20, 2021, and failed to surrender on August 6, 2021, for service of the 84-month sentence the Court previously imposed. On August 13, 2021, the Clerk of Court served copies of the Government's motion, all supporting submissions, and the Court's order to show cause on the defendant's two sureties at their last known addresses, as required under Rule 46(f).

As the Government understands it, one of the defendant's sureties (his sister) received notice of the Government's motion to forfeit the defendant's bond and, thereafter, took affirmative steps to help persuade the defendant to surrender. On August 20, 2021, the defendant surrendered to the United States Marshal Service at 500 Pearl Street. The defendant was charged by complaint with bail jumping, in violation of 18 U.S.C. §§ 3146(a)(2) & (b)(1)(A)(i), and detained on consent.


Because the defendant's sister promptly and successfully persuaded the defendant to surrender, the Government submits that the purpose of its motion has been served. *Cf.* Fed. R. Crim. P. 46(f)(2)(A) ("The court may set aside in whole or in part a bail forfeiture upon any condition the court may impose if...the surety later surrenders into custody the person released on the surety's appearance bond[.]").

Hon. Valerie E. Carponi
August 24, 2021

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Respectfully submitted,


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cc: Counsel of Record (by ECF)
Clay Kaminsky, Esq. (by email)

Application GRANTED. The Government's request to withdraw its motion for forfeiture is granted. The Clerk of Court is respectfully directed to terminate the open motions at Dkts. 303 and 311. The September 2, 2021 bond hearing is CANCELED. The Clerk of Court is respectfully directed to mail a copy of this order to Defendant's two sureties at their last known addresses.

SO ORDERED.


8/24/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE